Leesman

DISTRICT OF COLUMBIA STATEHOOD

CONSTITUTIONAL CONVENTION

Plenary Session

11:30 a.m.
Saturday, May 22, 1982

Auditorium
9th Floor PEPCO Building
929 E Street, N.W.
Washington, D.C.

MILLER REPORTING CO., INC.
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Delegates Attending:

CASSELL (President)
BALDWIN (Vice President)
BARNES
BLOUNT
BRUNING
COOPER (Secretary)
CORN
CROFT
FEELY
FREEMAN (Vice President)
GARNER
GRAHAM
AUSTIN
HARRIS (Vice President)
JACKSON
JOHNSON
JONES
JORDAN
KAMENY
LOCKRIDGE
LONG
LOVE
C. MASON
H. MASON
B. MOORE
T. MOORE
OULAHAN
PARAMORE
ROBINSON
ROTHSCHILD
SCHRAG
SIMMONS
THOMAS
THOMAS, R.C. (General Counsel)

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MR. BALDWIN (Presiding.) The Chair would ask that the delegates take their seats, please.

We will now observe our silent moment.

Mr. Secretary, would you please call the roll.

(Whereupon, Secretary Cooper called the roll.)

MR. COOPER: Mr. Chairman, there are 23 delegates now present.

MR. BALDWIN: Thank you, Mr. Secretary.

It is now 11:32. This assembly will recess at 2:30 and reconvene at a quarter of 3:00.

We will now move into debate, and I think the Chair should share with you a review of some of our rules and procedures, meaning rules and procedures that we have adopted. Delegate Barnes, you should listen to this.

Miss Ellington, could you just hold one second, please, because I think this is very important and all the delegates should hear it.

We are now at first reading, and the Chair will follow those rules and procedures that you have adopted and that you have said we must follow. I know it depends on who is sitting on whether or not we violate some of those rules, but while I am sitting, I will follow the rules and quote these rules to you now that we will follow this morning. You may say

say "well, somebody else's rules are a little different." If you have any problem, I can quote to you where the rules are and when you adopted them.

One of the first things we tend to violate more than anything else is the previous question. We will not violate it this morning. The previous question states in our rules that it is not in order, is not in order, if any delegate desires to speak for up to two minutes and few than two delegates have already spoken on the delegate's side of the issue. So many of you think it's a two-for-two rule and at least two have got to -- The only thing this rule says is that if a delegate, after the previous question is called, decides that he wants to speak, he has up to two minutes, provided that fewer than two delegates have spoken. So the rules have that. That's in our rules and there is no point in questioning it. You know where it is in our rules and that's what we will follow. So if a delegate calls the previous question, there is no point in jumping up and saying "we haven't had two for and two against." It doesn't say that. You can read it, and what I said to you is exactly what it says on the previous question.

I will read it again. The previous question is not, is not in order if any delegate desires to speak for up to two minutes and fewer, fewer than two delegates have already spoken

on the delegate's side of the issue. In other words, if a person gets up and he is going to speak pro for that amendment, he is in order if less than two have spoken. In other words, if only one person has spoken, we must not move into the previous question. We have got to hear him out.

But if he hollers -- if he opposes the previous question and at least four people have spoken on this issue, his side of the issue, he is out of order. Please keep the previous question in mind as we move along.

Some other rules. On the rules to amend, you can only amend twice. It is called a primary amendment and a secondary amendment, only twice to any motion. So there is no third or fourth or fifth amendment.

Another one of our rules that we violate almost every time is that you cannot offer a substitute motion when something to amend is on the floor. You have to wait until the amendment is out and then offer your substitute motion. So there is no point if John Jones gets up and says "I wish to amend section 24(b)." You can't get up and say you want to order a substitute motion. The Chair will not allow that. You have to wait until the amendment is off the floor, and then you make your substitute motion, which would include that amendment.

The very first rule that we will deal with this morning that our rules specifically state that the chairperson of a committee will only allow one person from that committee to respond to a question or a statement that has been made. If the person who asked the question or made the statement is not satisfied, the chairperson then may ask another person on that committee to see if they can clarify it. So we will not have three, four or five people from a committee speaking just because they say they want to add something to that.

In no event will any delegate be allowed to speak more than twice to any motion, provided someone else wishes to speak. That is our rule, both our rules and Roberts Rules of Order.

A point of order. We use a point of order any time to gain the floor. Now, sure it is primarily used -- it takes precedent over the motion. You grab the floor and you want to call it a point of order, and you know the Chair has recognized you as a point of order. On a point of order you question whether or not the rules are being observed. If a person gets the floor and there is a point of order, says a point of order, I have to listen. The moment I decide that it is not a point of order, that person is called out of order and we move on to the next speaker.

Now, if you don't know how to get the floor, that's another problem. But you cannot take our primary rule, which is a point of order, and make everyone listen. When you say "Point of order", we've got to call on you. And if everyone listens when all you really want to do is ask a question or make some statement or comment on something.

Those are the rules that we will be governed by this morning. If there is any question pertaining to those rules, I refer you to when we decided on them and when we voted on them. Those rules will be followed this morning.

Delegate Barnes.

MR. BARNES: One of the things that concerns me every time we have a session --

MR. BALDWIN: Are you speaking to our rules now?

MR. BARNES: Yes. -- is that delegates abuse the three points, general points, and you have mentioned one of them. But the other two -- and I want you to clarify this for me and for the body.

The point of procedure is the proper point if, indeed, it refers to the procedure. Point of information goes only towards what the motion contains, not to question the committee on a substantive issue. Is that correct?

MR. BALDWIN: That's correct.

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MR. BARNES: So my comment is that many delegates have a point of information to ask questions of the committee, and that is not in order.

MR. BALDWIN: Thank you.

At this point -- Delegate Rothschild.

MR. ROTHSCHILD: I think it is very good that we are speaking to the rules. In that regard, I really hope the rules are used without partiality, because sometimes there seems to be certain rules that apply to certain people and certain rules that don't apply to others. So I hope those rules apply to everybody.

Thank you.

MR. BALDWIN: Delegate Paramore, would you proceed, please.

MS. PARAMORE: I am going to 8.1, with the following changes. . I would like to move that the General Provisions, 8.1, would read as follows: "The State shall provide for the protection and promotion of public health and have the power to provide for assistance to its residents unable to maintain standards of living compatible with decency and good health care."

MR. BALDWIN: Just a second, Delegate Paramore. You are not to read it. You refer to it as "I adopt Section 8.1.

MS. PARAMORE: Okay. I have a change in it.

MR. BALDWIN: Yes, always show there's a change. And if there is a minority report, always share with us that there is a minority report for section 1, and then we would have to hear that minority report first, if there is one.

If you have one, you would know that.

MS. PARAMORE: I haven't received any.

MR. BALDWIN: Okay, thank you. So there are no minority reports.

MS. PARAMORE: Now, we are going to delete the word "guarantee" and replace it with the following words: "have the power to provide for"

MS. CORN: Second.

MS. PARAMORE: I am removing "guaranteed" because some of the delegates have shared with me some rationale --

MR. BALDWIN: It has been moved and properly seconded that we adopt section 8.1, General Provisions, with the following amendment: delete "guarantee" and insert "have the power to provide for"; is that right, Delegate Paramore?

MS. PARAMORE: Yes.

MR. BALDWIN: Discussion. Delegate Schrag.

MR. SCHRAG: Move the previous question.

A DELEGATE: Second.

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MR. BALDWIN: The previous question has been asked for. Those in favor of terminating debate at this point signify by saying "yes". (Chorus of yeses.) Those opposed, "nay". (One nay.) Abstentions?

We have terminated debate on section 8.1.

Delegate Brian Moore.

MR. B. MOORE: Point of information. Was those closing debate on her amendment or on the entire section?

MR. BALDWIN: There is no such thing as her -- before she presented it to the floor, she made some changes. We are not to -- we vote on her changes. We don't have to vote on her amendment separate. That isn't necessary. She is just instructing us the changes that her committee has made, and that is all. Then we will vote on it with those changes.

MR. B. MOORE: I have another amendment and do I have time to --

MR. BALDWIN: Your amendment would be in order now. We are on the discussion of her section --

MR. JORDAN: Call the question.

MR. BALDWIN: The question has been called, so you should not speak to the adoption of section 8.1.

MR. B. MOORE: You mean if I have an amendment or -- Could I wait until after this vote is taken because it doesn't

affect -- No?

MR. BALDWIN: You see, when a group votes to terminate debate, they didn't want to vote on it. You stand up and either express opposition or whatever, and we have got to vote it up or down now, either accept or adopt or reject. So you didn't get in in time enough to offer an amendment.

A DELEGATE: Has he moved the previous question?

MR. BALDWIN: The previous question has been called for.

Those in favor of adopting section 8.1 signify by a show of hands. (Show of hands.)

MR. COOPER: Sixteen.

MR. BALDWIN: Those in opposition likewise. (Show of hands.)

MR. COOPER: Two.

MR. BALDWIN: Abstentions.

Those who in the future will have amendments, that is the amendment table over there and they will bring them up and we will announce -- so we'll be aware of them.

MS. CORN: Point of information, please.

MR. BALDWIN: State your point of information, Delegate Corn.

MS. CORN: With the amendments table, do we just

write down, for instance, "Corn amendment to 8.1", or do you want the whole amendment written out?

MR. BALDWIN: Whatever procedure you have used the last week. You write them in -- whatever you are inserting or deleting, you have to say that. Without that, it's not an amendment.

MS. CORN: I see. You just can't say "I want to make an amendment to 8.1"?

MR. BALDWIN: No, indeed.

MS. CORN: Thank you.

MR. BALDWIN: Delegate Paramore.

MS. PARAMORE: Yes. 8.2 will be deleted.

MR. B. MOORE: Point of order, Mr. Chairman.

MR. BALDWIN: What rule is being violated, Delegate Moore?

MR. B. MOORE: I submitted an amendment --

MR. BALDWIN: What rule is being violated, Delegate Moore? That's what a point of order means.

MR. B. MOORE: The rule that I think is being violated is that I thought when you vote on a section you make an amendment to the section first and then you vote on that amendment, and then you vote on the section secondly.

What occurred here is that Miss Paramore submitted a

change to the section, and the vote was made not only on her amendment to the section but the section as well.

MR. BALDWIN: That's not -- you heard incorrectly and the Chair spoke to that. The only thing the chairperson did, Delegate Moore, was before she presented it to us officially, she said "we are making the following changes", and that isn't an amendment. It isn't necessary for us to vote on that. We have no control over the committee. She is letting us know before it gets on the floor officially that she is making some changes. An amendment would then come from you. That's the way we would deal with this.

That committee has the right to say to us -- and other committees have done this all along -- to just say to us "these are the changes we have made", just strike one word. They aren't substantive kinds of changes. We did it last night and we've been doing it ever since we have been in session, to allow a committee to say to us before we start debating it, "these are the changes", so that they will know -- without somebody else coming up and make that same change and we would have a whole lot of debate, et cetera.

All she did was to say "we, after this was printed, decided to have some language change."

MR. B. MOORE: Okay. I understand your explanation.

I submitted an amendment to Mr. Cooper about 15 minutes ago, and Mr. Schrag called the question prior to any discussion at all.

MR. BALDWIN: I just spoke to that, sir. Don't you remember I just spoke to that? In the future, meaning from this point on, from section 2 on, we will ask if there is amendments they will bring them up to us and we will know that you have an amendment.

MR. B. MOORE: Would the Chair be willing to give me the benefit of --

MR. BALDWIN: No, sir. There is nothing we can do, Delegate Moore, and we would appreciate if you would let us proceed. That's past action now by the majority of this body. There is nothing we can do about it.

MR. COOPER: Point of procedure.

MR. BALDWIN: Delegate Cooper.

MR. COOPER: At the beginning you stated you were going to follow the procedures. I hope we will, because so far no motion has been put on the floor by anybody. We just went through section 1 and adopted it without a motion to adopt it, and it already looks like we're going to do the same thing for section 2. So I would --

MR. BALDWIN: Delegate Paramore said she had a motion,

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and then I asked for a second for it and it was seconded.

MR. COOPER: Believe me, there was no motion.

MR. BALDWIN: Maybe you didn't get it, Delegate Cooper.

MR. COOPER: May I finish my point of procedure?

I would hope, for the purpose of the record, that we can have these things done in a proper fashion.

MR. BALDWIN: Thank you.

Section 2. Delegate Paramore.

MS. PARAMORE: Section 8.2 --

MR. LONG: Point of order, sir.

MR. BALDWIN: Just one second. Delegate Long has called for a point of order.

MR. LONG: I am sorry to continue this, but I believe the ruling of the Chair with respect to an amendment already submitted violates the rules. We went through the process of providing for submitting amendments in advance. An amendment was submitted in advance and it was passed over without treatment.

I don't understand how we can say that is a legal operation.

MR. BALDWIN: I did not have it and the floor did not have it. But to save time, Delegate Moore, to save time

with you and Cooper -- Cooper didn't show responsibility to bring it up so I'm not going to get in a fight with you. All we would do at this point, we will allow Delegate Brian Moore to present his amendment.

Delegate Bruning, would you bring the amendments to the Chair rather than the Secretary? Just bring all the amendments to the Chair rather than to the Secretary. Take them over there and he will bring those.

Delegate Moore, would you please present your amendment to section 8.1.

MR. B. MOORE: I wish to add the words, on line 3, the following phrase: after the word "assistance" include "equal to the community's present level of living."

MR. BALDWIN: Just one second, please. We have to read it as it is.

Delegate Paramore, would you read it to be sure he knows about the insertion and everything?

MS. PARAMORE: Are we going back to 8.1?

MR. BALDWIN: Yes. Did you know they had inserted --

MR. B. MOORE: Yes, I did.

MR. BALDWIN: Okay.

MR. B. MOORE: In other words, it would read, "The State shall provide for the protection and promotion of public

health and have the power to provide for assistance equal to the community's present level of living to its residents unable to maintain standards of living compatible with decency and good health care."

MS. CORN: Second.

MR. BALDWIN: Delegate Moore's motion has been seconded, his amendment. Discussion?

Delegate Paramore, which one of your committee do you wish to respond? We can only hear one, whoever you wish.

MS. PARAMORE: Delegate Harris.

MS. HARRIS: I think the amendment is totally unacceptable and out of order. Number one, in fact, it states that if you're living in a very poor area and you receive little or no good health care, then assistance should be maintained at that level. If you live in an affluent area where you get very good health care and very good assistance, it should be maintained at that level.

I think the amendment is unequal. I think it fosters unequalness among people, and I think it still is unacceptable by the committee.

MR. BALDWIN: Thank you.

Delegate Barnes.

MR. BARNES: I move the previous question.

MR. BALDWIN: Just one second. He hasn't had a chance to -- Delegate Moore?

MR. B. MOORE: My intention was to raise the level. By community, I meant the State. So there would be average or median level so people in poor areas would be given a higher level of living with regard to health matters, housing matters, food, et cetera.

This would also create pressure on the State's budgetary matters to force more expenditures into social service areas for the poor where there is traditionally a lower level of spending. I think the community has an obligation, or the State has an obligation, to our fellow citizens in lower income brackets and this provision in the Constitution would give clear direction to the legislature to give a higher priority to providing social services for lower income people.

So if the word "community" is misleading, I would be willing, Miss Harris, to replace the word "community" with "State", the State's average as opposed to the community's average.

Could I accept that as a change, Mr. President, to my -- you can't do it?

MS. CORN: Can I amend it?

MR. B. MOORE: Can it be amended, Mr. President?

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I am willing to accept that as a friendly amendment.

MR. BALDWIN: If your question is whether or not your amendment can be amended, the answer is yes, and the delegate so chooses.

MS. CORN: I would so choose.

MR. BALDWIN: Pardon?

MS. CORN: I would so do it.

MR. BALDWIN: I don't know what that means, "I would so do it." You have to --

MS. CORN: I said I would do it.

MR. BALDWIN: You have to state whatever you want to amend. State the language for it.

MS. CORN: "The State's average level of living." To the State's average living standard, to the State's average living standards.

MR. BALDWIN: It has been moved and properly seconded that the secondary amendment would read, "to the State's average living standard."

We will now entertain debate on Delegate Corn's amendment. Delegate Corn.

MS. CORN: I can see the point that Mr. Moore's amendment initially tried to make, and while I don't think his wording was that good, this wording clarifies it.

By doing this, you do guarantee that even the very poorest of communities will get a median quality level of health protection and health care. You also, at the same time, say to the very very wealthiest and most affluent -- let's say somebody who owned a house for $750,000 that burned down, and they're accustomed to having their own private room at the most exclusive hospital, no, you are not entitled to that. You are entitled, though, to this average mean, this average median level of living standard which is sufficient and adequate although not luxurious.

It does create more of a leveling out so that nobody either from one end of the spectrum or the other of the economic bracket is treated in proportion to his or her economic level but in proportion to his or her health needs.

MR. BALDWIN: Delegate Jackson, would you like to respond?

MR. JACKSON: Yes, I would like to speak against it, not because of its contents but because of the improper use of language. For example, for the black people in Washington, some of those (inaudible) 25, 26 percent. If you're going to keep it average, that means you keep the average at that. If someone could at lease (inaudible) then you can talk about it. Right now you're keeping it at the average, which means it just

goes down to the poor people --

MS. CORN: I got your point.

MR. JACKSON: So I think, if there could be a certain (inaudible) I would have to vote against it.

MR. BALDWIN: Is there further discussion on the corn amendment? Is there further discussion on the Corn amendment?

Delegate Bruning, and Delegate Mason.

MR. BRUNING: I move the previous question.

DELEGATES: Second.

MR. BALDWIN: It has been moved and properly seconded. The previous question has been asked for.

Those in favor of terminating debate, signify by saying "yes." (Chorus of yeses.)

MS. CORN: Point of order.

MR. BALDWIN: Those opposed, "nay." (One nay.)

MS. CORN: Point of order. Sir, you had read us the rule about two for and two against if two delegates wished to speak. I had raised my hand to speak --

MR. BALDWIN: Delegate --

MS. CORN: No one else had wished to. Then I would have to be recognized to have two speaking for it.

MR. BALDWIN: Delegate Corn, we will terminate de-

bate. You misinterpret the rule that I read. I did not read that at all.

MS. CORN: May I read the rule?

MR. BALDWIN: No, you may not. Once we have agreed on terminating debate, only one thing is left, and that is to vote.

Those in favor of terminating debate signify by saying yes.

(Chorus of yeses.) Those opposed, nay. (Two nays.) We may now vote on the Corn amendment. Those in favor of the Corn amendment signify by a show of hands. (Show of hands.)

MR. COOPER: Two.

MR. BALDWIN: Those opposed to the Corn amendment, a show of hands. (Show of hands.)

MR. COOPER: Seventeen.

MR. BALDWIN: Abstentions?

MR. COOPER: One.

MR. BALDWIN: The motion was rejected -- the Corn amendment.

This brings us back to the primary amendment, which was Delegate Moore's.

MR. B. MOORE: Mr. President, since the amendment was much better worded than mine, than my initial amendment,

I would like to withdraw that. It's the same thing, the same intention.

MR. BALDWIN: The primary amendment has been withdrawn. We are now back to the original motion, the primary motion.

Delegate, you may proceed now.

MS. PARAMORE: I would move 8.1.

MR. BARNES: Second.

MR. BALDWIN: It has been moved and properly seconded that we adopt 8.1 with the changes that was given to us by the committee.

Those in favor signify by saying yes. (Chorus of yeses.) Those opposed, nay. Abstention? 8.1 has been adopted.

Delegate Paramore.

MS. PARAMORE: 8.2 will be deleted because that was taken in Delegate Croft's committee. The committee is economic development, and we have agreed to accept their language for that particular area, as far as occupational and environmental health is concerned.

MR. BALDWIN: The committee has deleted section 8.2 because it appears other places in our document. 8.3.

MR. COOPER: Point of order.

MR. BALDWIN: Your point of order?

MR. COOPER: My point of order, Mr. Chair, is that 8.2, for it to come before us, it would take a proper motion to do so. We can't arbitrarily sit here and jump over it. If we want to delete it, fine, but as you stated earlier, let's do it in the proper fashion.

MR. BALDWIN: Delegate Simmons.

MS. SIMMONS: I would like to move that 8.2 be deleted.

DELEGATES: Second.

MR. BALDWIN: It has been moved and properly seconded that we delete 8.2. Those in favor signify by saying yes. (Chorus of yeses.) Those opposed, nay? 8.2 has been deleted.

8.3.

MS. PARAMORE: Yes, I would like to move that we accept 8.3, Mentally and Physically Disabled.

DELEGATES: Second.

MR. BALDWIN: It has been moved and properly seconded that we adopt section 8.3, Mentally and Physically Disabled.

Those in favor signify by saying -- I'm sorry.

MS. CORN: Discussion.

MR. BALDWIN: Discussion. We do have amendments to 8.3 and the Chair will read these amendments in order.

Delegate Barnes has an amendment that would deal with

line 2. He says to add "State" between "other" and "institutions."

A DELEGATE: Second.

MR. BALDWIN: On page 2, line 2, he wants to add "State" between "other" and "institutions".

MR. BARNES: Point of clarification.

MR. BALDWIN: No, first you need a second to your amendment, sir. That's what we're trying --

MR. BARNES: It was misstated.

MR. BALDWIN: That's what I have.

MR. BARNES: Also to add at the end of the sentence "It shall regulate private institutions."

MR. BALDWIN: Delegate Barnes, when you are making a motion, and when it is seconded -- I have only read what you have here. You said line 2, and it says add "state" between "other" and "institutions". Then you said on line 4 make it another one?

MR. BARNES: Yes, another sentence.

MR. BALDWIN: No, but you take one at a time, Delegate Barns.

MR. BARNES: Okay. That's two amendments?

MR. BALDWIN: Yes. That's what it says, two different lines.

MR. BARNES: Okay.

MR. BALDWIN: You make your motion. Make it in the form of a motion.

MR. BARNES: Both or one?

MR. BALDWIN: Either way you want.

MR. BARNES: Okay. I would like to move an amendment to 8.3 to say, on line 2 of page 2, where it says "and other institutions", to place the word "State" so that it reads "and other State institutions".

Then on line 4 add this sentence: "It shall regulate private institutions established for these purposes as provided by law."

A DELEGATE: Second.

MR. BARNES: Shall I read the whole --

MR. BALDWIN: Delegate Barnes, please just take one at a time. That's no problem for you to do that. Just add "state" and then move to the other.

MR. BARNES: All right. Then my first amendment is, and I will move this amendment, to add the word "State" to line 2, so that it says "and other State institutions".

A DELEGATE: Second.

MR. BALDWIN: It has been moved and seconded that on line 2, page 2, we add "State" between "other" and "institut-

ion". Discussion?

MS. HARRIS: Move the previous question.

A DELEGATE: Second.

MR. BALDWIN: The previous question has been called for. Those in favor of terminating debate signify by saying yes. (Chorus of yeses.) Those opposed, no. (One nay.) Abstention?

Debate has been terminated. Those in favor of the Barnes amendment, adding "State" between "other" and "institutions", signify by saying yes. (Chorus of yeses.) Those opposed, nay? Abstentions? The amendment has been adopted

Delegate Barnes has another amendment.

MR. BARNES: Yes. I would like to add a sentence on line 4. "It shall regulate private institutions established for these purposes as provided by law."

MR. JACKSON: Seconded.

MS. CORN: I move the previous question.

MR. BALDWIN: It has been moved and properly seconded that we adopt the changes as read by Delegate Barnes on line 4.

Discussion?

MS. CORN: I moved the previous question.

MR. BALDWIN: The previous question has been called

for. Is there a second to the previous question?

A DELEGATE: Second.

MR. BALDWIN: It has been moved and properly seconded that we terminate debate. Those in favor signify by saying yes. (Chorus of yeses.) Those opposed, nay. (One nay.) Abstentions? Debate has been terminated.

Those in favor of the Barnes amendment signify by saying yes. (Chorus of yeses.) Those opposed, nay. Abstentions? The Barnes amendment has been adopted.

We have the Jordan amendment. Delegate Jordan, would you state your amendment, please.

MR. JORDAN: Yes, Mr. Chairman -- I mean Mr. President. It would be on line 14, and it comes after the word "care,--"

MR. BALDWIN: He's on 8.3, the first page, line 14. Delegate Jordan, you may proceed.

MR. JORDAN: Thank you, Mr. President.

On line 14, after the comma which follow the word "care", insert the phrase "and to his or her capacity,--" Do you want to have me give the sentence as it reads now?

"The State shall provide treatment, care, and to his or her capacity, education and training for persons suffering from mental illness, physical disability --" et cetera.

Now, Mr. Chairman --

MR. BALDWIN: Just a second. I want to be sure there's a second here.

A DELEGATE: Second.

MR. BALDWIN: Okay. Discussion.

MR. JORDAN: This makes our section consistent with the section that was adopted by the Committee on Education, inasmuch as it says that for those people -- well, let's do it this way: whatever education and training is to be provided must be provided to be commensurate with the capacity of that individual to receive that education and training.

MR. BALDWIN: Is there further discussion?

Delegate Bruning.

MR. BRUNING: Move the previous question.

MR. BALDWIN: The previous question has been called for.

MS. SIMMONS: Mr. Chairman.

MR. BALDWIN: Okay, Delegate Simmons, you may speak.

MS. SIMMONS: Thank you, Mr. President.

I would be willing to support the amendment. The reason I think it is important, we have made this protection in the education section with regard to all of those present rights established under Public Law 94-142. But I do think it

is of the kind of significance that it does no harm to have it here again. I will be supporting the amendment, Mr. Chairman.

MR. BALDWIN: Thank you.

The amendment is in the form of an insertion, on line 14, after "care", and to his or her capacity, and insert "and" between "education" and "training".

Those in favor of the Jordan -- Delegate Mason.

MS. MASON: Mr. President, I wanted to ask one quick question. Is this the same as is cited in the (inaudible) versus Board of Education, "suited to his or her needs", when you talk about --

MS. SIMMONS: (Inaudible.)

MS. MASON: I wanted the record to show that, Mr. Chairman. Thank you.

MR. BALDWIN: The previous question was called for. Those in favor of the Jordan amendment, signify by saying yes. (Chorus of yeses.) Those opposed, nay. Abstention? The Jordan amendment was adopted.

Are there further amendments to section 8.3? Delegate Schrag.

MR. SCHRAG: I move to add to the end of the sentence that ends on line 1, page 2, after the word "retardation", add

"as provided by law."

MS. CORN: Second.

MR. SCHRAG: This would simply make this sentence consistent with the other two sentences, both of which end with the words "as provided by law". If we don't add the words here, it might be thought, since we do have it in the other two sentences, the legislature can regulate as it needs to. So for consistency's sake, we should add it to this sentence, too.

MR. BALDWIN: May this body do this by consensus? Is there any objection to "as provided by law"?

DELEGATES: No.

MR. BALDWIN: Having heard none, we adopt by consensus the delegate's amendment, Delegate Schrag's amendment.

MS. CORN: I would like to add an amendment, on line 4 of page 2, after the Barnes amendment, which would read, "The state shall regulate public and private nursing homes for the elderly and the disabled, as provided by law."

MR. BALDWIN: First of all, Delegate Corn, you put it in writing so --

MS. CORN: I did. You have it up there. I gave it to Delegate Bruning.

MR. BALDWIN: Was your name on it?

A DELEGATE: Second.

MR. BARNES: Point of procedure.

MR. BALDWIN: Yes, Delegate Barnes.

MR. BARNES: Isn't that more appropriate for section 8.9?

A DELEGATE: Yes.

MR. BALDWIN: Yes. The Chair does accept Delegate Barnes' observation and yours will come up in 8.9.

MS. CORN: Sir, may I say why I think it belongs here?

MR. BALDWIN: The Chair has ruled, Delegate Corn.

MS. CORN: Sir, then may I ask when we get to 8.9 you will recognize me for that amendment?

MR. BALDWIN: You will be the first person.

MS. CORN: Thank you, sir.

MR. BALDWIN: We have another amendment for 8.3, Delegate Simmons. Line 6, page 2.

MS. SIMMONS: Is the Secretary going to read it?

MR. BALDWIN: No, you may read it. State it in the form of a motion.

MS. SIMMONS: All right. I move the following amendment, line 6 of section 8.3. Following the word "administrator", "shall be responsible for regular and systematic

visitation and inspection of all institutions, public or private, used for the care and treatment of persons experiencing mental disease and/or illness."

I would be glad to speak to my motion, amendment.

A DELEGATE: Second.

MR. BALDWIN: It has been moved and properly seconded that we amendment section 8.3 with the Simmons amendment as read.

At this point Delegate Simmons will speak to her amendment.

MS. SIMMONS: First of all, I think we need to understand that the Chief administrator, to dictate in the Constitution that he/she will visit or will have someone visit really is inappropriate, it seems to me, in a constitution.

However, I think that we have experienced in the District of Columbia, as a result of our deinstitutionalization and the Dixon plan for St. Elizabeth's, have a kind of socially responsive experience that tells us that this does need to be clearly delineated.

Therefore, when I say the Chief administrator shall be responsible for, then that lets him know the responsibility rests with him that he literally and physically have to go do that.

Also, mental illness and disease is not always permanent, and to say "experiencing" I think indicates that that does not mean a steady state. That is the reason I suggest we change that language to "experiencing", so it can be for a short duration.

MR. BALDWIN: Is there further discussion on the Simmons amendment? Delegate Mason.

MRS. MASON: Mr. President, I would like to have the exact wording read a little more slowly, so that I can have it.

MR. BALDWIN: The Secretary will now read the Simmons amendment. Read it slowly.

MR. COOPER: The Simmons amendment is on page 2, line 6 of section 8.3. After the word "administrator", Miss Simmons wants to insert "shall be responsible for regular, systematic visitation and inspection of all institutions, public and private, used for the care and treatment of persons experiencing mental disease and/or illness."

MR. BALDWIN: Is there further discussion? I'm sorry, the committee needs to respond.

MS. HARRIS: Thank you.

MR. BALDWIN: Delegate Paramore, have you assigned someone to respond to the Simmons amendment?

MS. PARAMORE: Yes, Delegate Harris.

MRS. HARRIS: Delegate Simmons, your amendment does not in actuality change what the committee has put forth. Number one, there are five words that you have inserted that does not change the sense of what we said here. We are saying that the Chief Administrator shall visit and inspect, or cause to be visited and inspected. So that is the same sense of what you have proposed.

The only difference is that you're saying it should be regular and systematic visits, which I think indicates it should be regular and systematic.

You are saying persons experiencing mental disease, and we're saying suffering from mental disorders or illnesses. I understand what you're proposing, but it is not different from what the committee has indicated here. There really is no difference.

MS. FEELY: Does that mean the committee accepts the language?

MR. BALDWIN: One second, please. Do you have a question, Delegate Feely? All questions and comments are to come through the Chair.

Delegate Feely has a question for the committee.

MS. FEELY: Yes. It sounded as though the committee

has accepted this, that it is basically a styling and perfecting change. But if the committee accepts it, we don't have to waste time and we can move on.

MS. PARAMORE: We are accepting that, to leave it up to styling and drafting, because the part about the regular and systematic visitions is excellent. That needs to be inserted.

MR. BALDWIN: Their response is that the committee is accepting it.

Delegate Mason.

MR. MASON: After the acceptance of this amendment, I am a little confused about who the Chief Administrator is. Previously we had the "governing department". That having disappeared, it is not quite clear what administrator, because "of the governing department" has vanished.

MR. BALDWIN: Delegate Thomas, Delegate Mason is concerned about the Chief Administrator, who that is referring to.

Delegate Simmons, can you respond?

MS. SIMMONS: I did think, based on the previous paragraph, that at this point it was implicit that you're talking about the governing department of, in this instance, the mental and physical health department. That is I believe

what this is under.

MR. MASON: Where does it say there is such a department?

MS. SIMMONS: If that clarity needs to exist, I certainly have no problem with it, in saying the governing department, because that, indeed, would mean in charge of a regular and systematic inspection and visitation of institutions for the mentally handicapped.

MR. BALDWIN: Delegate Robinson, do you want to clarify?

MR. ROBINSON: Thank you.

The committee is at a loss with the wording of Delegate Simmons. We can only see using a certain phrase of her entire statement, and that is "regular, systematic visit". Those are the only words that would add any substance to what we have already stated herein.

We would further say that the body should be about adding to what we have and not detracting with such statements or amendments that are really not doing anything for the article in question.

MR. BALDWIN: Delegate Simmons.

MS. SIMMONS: Mr. President, the substance here in terms of "regular and systematic visitation and inspection"

is indeed very different than what stands. Furthermore, to say that the chief administrator will do it or cause it to be visited and inspected by staff is absolutely ridiculous, a job specification that should not be in any constitution. We don't write job specs in this Constitution.

MR. BALDWIN: Delegate Corn.

MS. CORN: I would like to respond to two things here. This first part of style and drafting, the chief administrator or his or her designee shall conduct systematic and regular visitations and inspections -- I mean, that's all style and drafting.

But the second point, the difference between the committee's report and Delegate Simmons', about experiencing mental disease as opposed to the committee's wording, mental disorders and defects, the committee's use of mental disorders and defects is much broader and more encompassing than Delegate Simmons' wording.

I'll tell you why. For instance, the kind of thing that Delegate Simmons refers to might be something like a nervous breakdown or where a person cracks up. The committee's language deals with diseases or disorders or defects which could be inherent in the genetic structure of the individual and therefore a birth defect. I think the committee's language

is much, much superior there.

MR. BALDWIN: Is there further discussion? Having heard none, the previous question is in order at this point.

MS. PARAMORE: I move the previous --

MS. CORN: I move to divide.

MS. PARAMORE: I move the previous question.

MR. BARNES: Second.

MR. BALDWIN: A motion to terminate debate. Those in favor of, signify by saying yes. (Chorus of yeses.) Those opposed, nay. Abstention? We have terminated debate on the Simmons amendment.

Those in favor of the Simmons amendment signify by a show of hands. (Show of hands.)

MR. COOPER: Seventeen.

MR. BALDWIN: Those in opposition, do likewise. (Show of hands.)

MR. COOPER: Four.

MR. BALDWIN: Abstentions. The Simmons amendment has been adopted to section 8.3.

MR. SCHRAG: Point of information.

MR. BALDWIN: Delegate Schrag.

MR. SCHRAG: Mr. President, didn't we adopt by consensus the change that Delegate Mason suggested, to restore

the words "of the governing department"?

MS. SIMMONS: Yes.

MR. BALDWIN: That was done by consensus, Mr. Secretary. Delegate Paramore.

MS. PARAMORE: I would like to move section 8.3, Mentally and Physically Disabled, as amended.

DELEGATES: Second.

MR. BALDWIN: Section 8.3, as amended, is before you for adoption. Those in favor signify by saying yes. (Chorus of yeses.) Those opposed, nay. Abstention? Section 8.3, as amended, has been adopted.

Section 8.4.

MS. PARAMORE: Yes. The committee has recommended a change.

MR. BALDWIN: The committee has a change in section 8.4. May we have the change before you officially make your motion? Just read your change to the body.

MS. PARAMORE: Public Health shall be the -- shall be given the state -- Public health. The state shall have the power to provide for --

MR. BALDWIN: May we please have it line by line so they can follow it and know what your changes are?

MS. PARAMORE: Okay. In between lines 11 and 12,

one change. "the state shall have the power to provide for" That would replace "guaranteed by".

MS. CORN: Could you read the whole sentence, please?

MR. BALDWIN: Mr. Secretary, do you have it?

MR. COOPER: Yes, but it doesn't seem to make sense.

MS. PARAMORE: It starts with -- delete Public Health, and -- delete "Public health shall be guaranteed" and then change "the state shall have the power to provide for maintenance of a network of comprehensive health..." and so on. "The establishment and maintenance." Read line 12.

MR. BALDWIN: Do you have other changes?

MS. PARAMORE: That's it.

MR. BALDWIN: Okay. Now, will you read it as you have changed it?

MS. PARAMORE: "The State shall have the power to provide for the establishment and maintenance of a network of comprehensive health facilities which provide for the prevention, treatment and care of illnesses and health-related problems. The State Board of Health shall have the responsibility to enforce, oversee and maintain decent health and nutritional care and shall maintain vital statistics necessary to improve the health of the populace."

MR. BALDWIN: Thank you. There are no minority

reports, and the Chair has three amendments to section 8.4 at this point.

MR. COOPER: Point of order.

MR. BALDWIN: There is no motion on the floor.

A DELEGATE: Second.

MS. PARAMORE: Okay. I move that we adopt section 8.4.

DELEGATES: Second.

MR. BALDWIN: It has been moved and properly seconded that we adopt 8.4 with the changes that the committee brought forth.

Discussion? It is at this point that the chair has been handed three amendments. Since there is no minority reports, we will take the amendments in order as they were given.

The first amendment is the Schrag amendment that deals with line 12 of 8.4.

MR. SCHRAG: I withdraw it in view of the committee's change.

MR. BALDWIN: The Schrag amendment has been withdrawn.

MR. LONG: I withdraw my amendment in view of the committee's change.

MR. BALDWIN: The Long amendment has been withdrawn.

Delegate Barnes.

MR. BARNES: Should I state my amendment?

MR. BALDWIN: Always in the form of a motion, please.

MR. BARNES: I would like to move -- and this is a policy change and I think this does --

MR. BALDWIN: Just read it, please.

MR. BARNES: Add after --

MR. BALDWIN: Just read your amendment and if you get a second it will be on the floor for discussion.

MR. BARNES: Line 15, add after the phrase "The State Board of Health" this phrase: "comma, which may or may not be one of the 20 principal executive departments, comma".

MS. CORN: Second.

MR. BALDWIN: The Barnes amendment is on line 15 as read, and it has been seconded.

Discussion. Delegate Schrag and Delegate Feely.

MR. SCHRAG: Mr. President, I understand the intention of the Barnes amendment, but I don't think it is necessary. It is not necessary because in the Executive Branch Article we have provided for 20 principal departments and, in addition, boards and commissions. So as long as something is called a "board" or "commission", it doesn't run up against the maximum

limit of 20 executive departments.

MR. BALDWIN: Delegate Feely, and then we'll --

MR. BARNES: I'm withdrawing it.

MR. BALDWIN: Delegate Barnes has withdrawn his amendment.

All right. Are there other amendments?

MS. CORN: Yes, one other amendment --

A DELEGATE: I move the previous question.

MR. BALDWIN: Just one second.

We have the Corn amendment on section 8.4. Delegate Corn, will you state your concern in the form of a motion.

MS. CORN: Yes. I would move that the title of 8.4 be changed to "State Board of Health", and that the first sentence of 8.4 be put as the last paragraph in 8.3.

The purpose of that is --

MR. BALDWIN: No, no.

MR. JORDAN: Point of order, Mr. Chairman.

MR. BALDWIN: A point of order has been called for.

MR. JORDAN: Mr. Chair, we can't put anything in 8.3. It has already been adopted. That's out of order.

MR. BALDWIN: The Chair concurs. I thought she said 8.4. Thank you, Delegate Jordan.

MR. LOVE: Point of order, Mr. Chair.

MR. BALDWIN: A point of order, Delegate Love.

MR. LOVE: The title of sections are pretty much written up by styling and drafting --

MS. CORN: All right. I withdraw.

MR. BALDWIN: Okay. Therefore, the Chair -- Are there any other amendments to 8.4? Delegate Paramore, you may proceed. It is on the floor.

Is there any discussion of 8.4? Delegate Simmons.

MS. SIMMONS: Yes. I would just ask the Chair or a committee member to give me their definition of "health-related problems". When you talk about treatment and care of illnesses and health-related problems, what is that?

A problem that perpetuates itself in an illness, you know, I just need clarity.

The other clarification I need is what is the definition of -- a definition somewhere that tells us what "decent" means in terms of health and nutritional care. I want to know the definition of the committee.

MR. ROTHSCHILD: Health-related problems might be something like eye glasses or something that isn't necessary for your actual existence but is necessary for your functioning powers. So we wanted to make sure we included everything there.

MS. SIMMONS: Isn't that called "treatment and care"? You've obviously got an eye problem --

MR. ROTHSCHILD: We didn't think it would necessarily be an illness, per se. It might just be slight defect or something like that that needs to be brought up to quality, high quality, but you wouldn't consider something where you can't function.

MS. SIMMONS: I could see that without definition or precise language, this can be interpreted by whomever is interested in charging.

Let's say housing that has lead paint and therefore-- I can see that as a health-related problem. I want to know if that's what you have in mind, and if so, can we get precise language, or are we really opening the State to be sued in a whole broad variety without any -- I'm only trying to seek information.

MS. PARAMORE: Delegate Jackson had that section and he is not here right now -- Here he comes now.

MS. SIMMONS: I really do need a definition of decent, because decent can be defined by 40 people 40 different ways.

MS. PARAMORE: Delegate Jackson, would you please speak to 8.4 as far as health-related problems?

MR. BALDWIN: Delegate Simmons, would you repeat your question for Delegate Jackson.

MS. SIMMONS: Delegate Jackson, my query was with regard to line 15, the phrase "health-related problems", when you speak of treatment and care of illnesses. I am trying to get a precise understanding of what "health-related problems" is. I think we can open a box there that you could put in everything but the kitchen sink.

The example given I thought was covered by treatment and care when Delegate Rothschild spoke to the glasses as a corrective measure for physical impairment.

MR. JACKSON: Well, if anyone has a problem with the language and can better describe it, I have no problems with that. The reason this was put like that was because the state medical man, he spoke about the difference between medical care and preventive care, and which both things were necessary to be put in there, and also the difference between the medical definitions -- you can amend those in a different form, and this was meant to cover all those things.

If someone has better language or something, I have no problem with it. I think it would be difficult to put out better language using such a short term.

The word "decent", did somebody ask a question about

that? If a person has a better understanding of it -- to me, decent means adequate level.

MS. PARAMORE: We could change it to adequate.

MR. JACKSON: I would have no problems with it, if someone wants to change it.

MS. SIMMONS: There ought to be some kind of standard that a minimal level --

MR. JACKSON: I will defer to the chair.

MS. HARRIS: It seems to me that if you use the word "adequate" or similar words, that you are reducing the level. I think decent means "good" health care. I think if you substitute a word, it ought to be a word synonymous with "good". Maybe we could just say good health care.

MR. BALDWIN: Delegate Simmons, does that satisfy your concerns?

MS. SIMMONS: Yes. The explanation from the committee I think answers the question.

MR. BALDWIN: Delegate Graham.

MS. GRAHAM: Mr. President, I was thinking that after "care of illnesses" on line 14, that maybe we could put a period there and delete "and health-related problems", if the committee will accept that.

MR. JACKSON: You know, we used Webster's Dictionary.

The word in its legal definition here is quite "decent", so I don't see any problem with using it.

MS. PARAMORE: Do we use "good" or "decent".

A DELEGATE: We can use "decent".

MS. SIMMONS: I'm satisfied.

MS. PARAMORE: We are now ready to move section 8.4.

MR. BALDWIN: Delegate Bruning?

MR. BRUNING: Move the previous question.

A DELEGATE: Second.

MR. BALDWIN: The previous question has been called for. Those in favor of terminating debate, signify by saying yes. (Chorus of yeses.) Those opposed, nay. Abstention? Debate has been terminated.

Delegate Paramore, do you want to make your motion?

MS. PARAMORE: I would like to move that we accept section 8.4.

MR. BARNES: Second.

MR. BALDWIN: It has been moved and properly seconded that we adopt 8.4, Public Health and State Board, as amended.

Those in favor signify by saying yes. (Chorus of yeses.) Those opposed, nay. Abstention?

MS. SIMMONS: Mr. President, I was on my feet.

MR. BALDWIN: Oh. You may speak.

MS. SIMMONS: I just wanted to know if "State Board", if we don't want to be more precise there. Aren't you talking about the State Board of Health?

A DELEGATE: We changed it.

MS. SIMMONS: Oh, did you change it?

MS. PARAMORE: It states on line 15 the State Board of Health.

MS. SIMMONS: Excuse me. I was on 8.5. My apologies.

MR. BALDWIN: That's okay.

Those in favor of section 8.4 signify by saying yes. (Chorus of yeses.) Those opposed, nay. Abstention?

Do not forget, Mr. Cooper, to record the interruption. We want to be sure we have it right on the record. She interrupted the voting.

Therefore, section 8.4 has been adopted.

Our President is present and at this time I will turn the gavel over to Mr. Cassell.

PRESIDENT CASSELL: (Presiding.) Thank you.

Delegate Paramore, section 8.5.

MS. PARAMORE: I would like to move the adoption of section 8.5, Composition of the State Board.

DELEGATES: Second.

PRESIDENT CASSELL: It has been moved and seconded that section 8.5 be adopted. Discussion?

Yes, Delegate Simmons.

MS. SIMMONS: It is at this juncture that my question is germane.

PRESIDENT CASSELL: Can we accept that by common consent, Delegate Paramore?

MS. PARAMORE: What is it?

PRESIDENT CASSELL: That we add to "State Board" the "State Board of Health".

MS. PARAMORE: Right.

PRESIDENT CASSELL: Okay. Further discussion?

There being none, those in favor of adopting 8.5 as read, indicate by saying aye. (Chorus of ayes.) Opposed? Abstain? 8.5 is adopted.

Delegate Paramore.

MS. PARAMORE: Yes, I would like to move section 8.6, Unemployment and Workmen's Compensation.

A DELEGATE: Second.

PRESIDENT CASSELL: It has been moved and seconded that 8.6 be adopted. Discussion? Charles Mason --

MS. PARAMORE: With one correction, if you don't mind. On page 3 of 4, line 1, it should be "unemployment

compensation and worker's compensation benefits." Change "workmen's" to "worker's".

MR. MASON: That was the gist of my two amendments, but I have another one.

The second amendment -- these have been passed in previously and you should have it up there at the table -- is in line 2, strike "including working women on maternity leave", and insert "including provision for compensating employees absent from work by reason of childbirth or absent from work to care for newborn children."

MS. CORN: Second.

MR. MASON: As I explained earlier during the question period, this is to make it sex neutral. In other words, the first part, what is commonly known as "maternity leave" is a vague thing which includes more than one kind of (inaudible). The first half is where for medical reasons the mother of the child needs to be away from work, and that is covered by the first half of my language.

The second half of the language covers the time that a person takes off from work thereafter, which could be either parent and could relate to a newly adopted young child, not necessarily one given birth to by one of the employees.

So I think this is the thing which prevents this

from being sex discriminatory and covers exactly what is intended here.

PRESIDENT CASSELL: Mr. Secretary, will you read the Mason amendment again and then we'll have further discussion.

MR. COOPER: The Mason amendment involves page 3, line 2, section 8.6. It would be to strike "including working women on maternity leave" and to insert the words "including provision for compensating employees absent from work by reason of childbirth or absent from work to care for newborn children."

A DELEGATE: Second.

PRESIDENT CASSELL: Delegate Graham.

MS. GRAHAM: I would like to amend that, if possible, by saying "including a person on maternity leave", and that would mean anyone who has any child.

PRESIDENT CASSELL: First of all, it wasn't loud enough. I didn't hear it.

A DELEGATE: It wasn't seconded.

PRESIDENT CASSELL: Okay. Is there further discussion on the Mason amendment? Delegate Jackson.

MR. JACKSON: The committee, I think, would accept the perfecting language. This was the original intent. How-

ever, we were in such a hurry that we somewhat scrounge a little bit. I would apologize for using the word "workmen's" instead of "worker's".

PRESIDENT CASSELL: Let me understand now. Has the committee adopted the language already indicated by Delegate Mason?

MS. HARRIS: I have a question before we--

A DELEGATE: We are in agreement, sir.

PRESIDENT CASSELL: Very good. Can we do that by common consent?

DELEGATES: We have one question.

PRESIDENT CASSELL: One question from Rothschild.

MS. HARRIS: I have a question -- two questions.

My question to Delegate Mason is, by using the phrase "employee absent from work by reason of childbirth", some employees could take that to mean that the compensation should be given to the mother only, after only having the child. My question is, it would exclude women who would have to go out of work at five months because of very serious problems and have to be out -- maybe a cesarean birth or whatever -- up until nine months. Because when you said "by reason of childbirth", it means a child must be born. That could exclude women four or five months prior to that. That

is my concern.

MR. MASON: Pregnancy or childbirth.

MS. HARRIS: For pregnancy or childbirth, I'll accept that.

MR. MASON: That would be acceptable to me.

MS. HARRIS: Okay.

PRESIDENT CASSELL: Delegate Rothschild.

MR. ROTHSCHILD: Delegate Mason, could that include somebody, the sister of the woman having the baby, who says "my sister is having a baby and I have to take off from work".

DELEGATES: No, no.

PRESIDENT CASSELL: I gather that is not the intent.

Further questions on the Mason amendment? Delegate Lockridge?

MRS. LOCKRIDGE: I want to ask Delegate Mason another question.

When you presented this amendment you spoke to women being absent also for adopting children. Would your language then include those?

MR. MASON: Specifically the child care part includes a newborn child, no matter whether that child was born to the employee or somebody else.

MRS. LOCKRIDGE: Unless I am misreading your amend-

ment, I don't see that.

MR. MASON: Any employee who takes off to take care of a newborn child. It might be the adopted father, it might be the mother, it might be the adopted mother.

MRS. LOCKRIDGE: I guess my question is, sometimes we women adopt our children that are newborn.

MR. MASON: That's right.

MRS. LOCKRIDGE: That might be, let's say, five or six months old, or older. That is my question.

MR. MASON: If they are not newborn or they are --

MRS. LOCKRIDGE: They might not be newborn.

MR. MASON: Maybe "young" should be placed in there.

MRS. LOCKRIDGE: That's what I am suggesting, "newborn and/or young".

PRESIDENT CASSELL: Is that acceptable to the committee?

DELEGATES: Yes.

PRESIDENT CASSELL: All right, "...to care for newborn and/or young children." Is that it? Very good.

Now, Mr. Secretary, would you read the Mason amendment as corrected?

MR. COOPER: The Charles Mason amendment, section 8.6, page 3, line 2: Strike the words "including working women

on maternity leave", and insert the words, "including provision for compensating employees absent from work by reason of pregnancy or childbirth, or absent from work to care for newborn and/or young children."

PRESIDENT CASSELL: All right. Any further discussion on that before we vote? Delegate Corn.

MS. CORN: Yes, one thing.

Mr. Mason, the one thing this doesn't account for and I think it should -- and I would like you to maybe ask that perfecting language be done -- what about the mother who has maybe two or three children in school, young children, let's say, kindergarten or second grade or third grade, and one of the kids, let's say, is in a car accident or breaks his leg or gets hurt in gym and has to take time off from work to go take care of that child, where the kid has a serious case of the flu or something.

It seems to me that should be accounted for too.

PRESIDENT CASSELL: Delegate Simmons.

MS. SIMMONS: Yes. I would like to say that the hypothesis that Delegate Corn raises, most institutions and agencies allow people to use their personal sick leave for members of the immediate family who are ill, and I do not believe that it is necessary to put in the Constitution all of

the benefits of employment.

PRESIDENT CASSELL: May we vote now on this issue?

Those in favor of the Mason amendment, page 3, line 2, section 8.6, please indicate by saying aye. (Chorus of ayes.) Opposed? Abstain? That motion -- that section is adopted.

Delegate Paramore.

MS. PARAMORE: I would like to move section 8.7, Mr. President, Day Care Centers.

A DELEGATE: Point of order. We just voted on --

PRESIDENT CASSELL: All right. All right. She has moved properly, she has moved properly, right, that 8.6 be adopted as amended. Second?

A DELEGATE: Second.

PRESIDENT CASSELL: Those in favor of adopting 8.6, as amended, indicate by saying aye. (Chorus of ayes.) Those opposed? Abstain? Okay.

Now we get to 8.7.

MS. PARAMORE: Mr. President, I would like to move section 8.7, move the adoption of 8.7, Day Care Centers.

A DELEGATE: Second.

PRESIDENT CASSELL: It has been moved and seconded that 8.7 be adopted. Discussion. (No response.)

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There being no discussion, those in favor of 8.7 indicate by saying aye. (Chorus of ayes.) Those opposed? Abstain? So adopted.

Delegate Paramore.

MS. PARAMORE: I would like to move the adoption of 8.8.

A DELEGATE: Second.

MRS. JONES: Mr. President, I rise to a point of personal privilege. When you're looking down reading, you are not seeing us out here. We have one amendment for day care centers.

PRESIDENT CASSELL: All right. I did look up and there was nobody at the time I looked back down, right?

Now, we are trying to move along. Let us be very sharp. After this is 8.9. Please, if there are amendments after the discussion, please raise your hand immediately because I'm trying to move on.

We will go back. I will grant, without objection --

DELEGATES: We have approved it.

PRESIDENT CASSELL: Do you have it up here?

MS. SIMMONS: Yes.

PRESIDENT CASSELL: Okay. This is the last time. Please be sharp because we're trying to move on. Let us go

back and I will allow one more amendment.

Delegate Simmons.

MS. SIMMONS: Mr. President, "standard" was the word that I wanted to be inserted following "public", standard day care centers. Really why Delegate Jones was anxious, she has had experience that suggests that day care centers that are not of standard quality do exist, and we would simply put that in as a protection, the insertion of the word "standard" --

MS. CORN: After the word "maintain", to "maintain standard public day care centers."

(Simultaneous delegates speaking.)

PRESIDENT CASSELL: All right. What's the committee's reaction to that?

DELEGATES: Yes.

PRESIDENT CASSELL: Very well. Then the motion we are voting on is that "The State shall have the power to provide and maintain standard public day care centers."

Delegate Feely.

MS. FEELY: I have a question. Does this mean -- I don't know, so I'll have to ask. Does this mean there is something like an Association of Day Care Centers, similar to an association of libraries that publishes standards that ought to be maintained? Is this the same thing?

DELEGATES: No.

PRESIDENT CASSELL: Delegate Jones.

MRS. JONES: The Association of Libraries is a professional organization, like the Association -- the National Association of Nutritionists who certify the nutrition, but not that. We are saying that the State provides the standards that they must adhere to before they can even be licensed.

MS. FEELY: To provide standards then, the State shall have the power to provide standards, and maintain -- or standards to maintain, or standards for the maintenance of.

PRESIDENT CASSELL: I think the point has been clarified. It seems to me that this ought to be reworded. As it is now, it will need clarification.

Delegate Simmons.

MS. SIMMONS: I just wanted to say that if the body approves the concept, styling and drafting can indeed see that the language is properly inserted.

PRESIDENT CASSELL: Okay, fine.

Delegate Bruning.

MR. BRUNING: Point of information, please.

I'm sorry, but I'm confused. Is this that the State runs the public day care centers?

(Simultaneous delegates speaking.)

PRESIDENT CASSELL: Please, please address your comments to the chair so that the chair knows what the question is and I can let everybody know what the question is.

MR. BRUNING: My confusion is --

(Delegates speaking simultaneously.)

PRESIDENT CASSELL: I cannot hear.

MR. BRUNING: My confusion is whether the intention of the committee as it is written was for the State to provide essentially state public day care centers, or as with the word "standard" being kicked around here, if the State is only prescribing standards for public day care centers. There is a big difference in the State providing day care centers and providing standards that day care centers are to follow.

PRESIDENT CASSELL: All right. Now, that question is on the record. I think we need a clear response to it that we all agree to.

Delegate Jackson.

MR. JACKSON: The intention here is that the State already has public day care centers. The intent here is that the Constitution provide for the State's public day care centers and to maintain those day care centers. Now, if someone wants to amend this, okay, but we want a clear understanding.

PRESIDENT CASSELL: There is a question on the floor.

Now, I think everybody understands what is meant. I do not think that it is clear as written and will always raise questions. If there were to be a question on the constitutionality upon this particular legislation, it would be rather difficult to determine.

I would like to ask that some clarifying language be made by the committee, that somebody could work on that as we go on. But I think you shouldn't adopt it as it is.

Can I ask Delegate Paramore if somebody could reword that and then come back to that?

MS. PARAMORE: All right. But I would like to say at this point that we are specifically addressing day care centers, so the other agencies do not enter at this time. We are specifically providing for day care centers.

PRESIDENT CASSELL: The motion on the floor now is to adopt 8.7. I am asking if you would agree to withdraw that motion to correct and clarify the language, we will go on to 8.8, and when you're ready to bring it back, then we will come back to it again.

May we do that?

MS. PARAMORE: Yes.

PRESIDENT CASSELL: Thank you.

Okay, section 8.8.

MS. PARAMORE: I would like to move the adoption of 8.8 --

A DELEGATE: Second.

PRESIDENT CASSELL: It has been moved and seconded that 8.8 be adopted. Discussion please. Any discussion? Going once, going -- Talmadge Moore.

MR. T. MOORE: I didn't get it in in time, but I have an amendment to line 14, after the word "community", to insert "comma, as provided by law."

My rationale is that I think we should realize the transition on the community and to let the community have some input --

PRESIDENT CASSELL: Delegate Moore, I'm awfully sorry, but I didn't understand a word that you said. It is not your fault. You were not speaking in a microphone, and there is a buzz here.

Can you please write that down and have it read? Would you bring it up here, please, and let the Secretary read it?

Delegates, it has been pointed out to me that we have an amendment table today. All you need do is follow the rules. Just take them over to the amendment table. The Secretary is over there ready to take them. So please do not

lose any time for us now by reading any more from the floor. Just take it to the table and have the Secretary bring it up to us.

The motion before us is to amend line 14, after the word "community", and insert "as provided by law." All right. Was there a second to that?

A DELEGATE: Second.

PRESIDENT CASSELL: It has been moved and seconded that we amend section 8.8 by adding to line 14, after "community", the words "as provided by law."

Discussion?

MS. HARRIS: Mr. President, I suggest, since you could not hear Mr. Moore, we could not hear his rationale when he spoke.

PRESIDENT CASSELL: All right. Would you come forward quickly, you know, kind of on a trot, take the microphone and lay it on us, please.

There you go. I loved that response. Please, everybody take note.

MR. T. MOORE: My rational for this amendment is that at the present time we have in the District of Columbia half-way houses and all other types of institutions in the various geo-political units of the District. I do think by

inserting "as provided by law", it gives the people the power to help decide as to what is brought into their community. This is the reason for my amendment.

The way the article is set up now, the State can do anything they want with the offenders, to place them within any unit in the city without their consent.

MS. HARRIS: May I respond to that?

PRESIDENT CASSELL: Yes, Delegate Harris.

MS. HARRIS: I think what Delegate Talmadge Moore has proposed and what is stated here are two opposing views. Number one, in 8.8 it was developed that the institutions for the detention of criminals shall provide rehabilitation programs within the institution to help the criminal or prisoner -- to help those persons move back into the community and become citizens, operating citizens.

What you are saying is that the community shall have some say in developing half-way houses, and once they get here. That's a different story. We are just saying that what is needed now is rehabilitation programs within the institution.

So we are asking you to withdraw that because it does not come under institutions for detention and rehabilitation programs. There are no half-way houses in the institution.

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PRESIDENT CASSELL: Delegate Moore, did you want to respond to that request?

MR. T. MOORE: Well, the way I interpret it, this language reads -- I don't know. I'm going to have to have a legal counsel as to how it should be interpreted. I take this to mean the State can place people within the unit at their discretion. That's the way I interpret it.

MS. HARRIS: Let me go back and explain it.

The section, "Institutions for the detention of criminals and youth offenders", is giving the State the power to maintain and support these institutions, okay? Then it also says that the State must also, within these institutions, provide rehabilitation programs, to help maintain the transition of offenders from the institutions back to the community.

PRESIDENT CASSELL: Let me make a comment here.

What Delegate Moore has asked for is simply to insert four words, "as provided by law". I don't follow his rationale for that. I don't know that that has any particular relationship to the community, but it certainly can be no more than a clarification. I don't know what the objection to that could be --

MS. HARRIS: No, "as provided by law", Delegate Cassell, does not clarify what we're saying. When you put in

"as provided by law" here, what you are saying is that if the law decides there should be no rehabilitation programs for the youth offenders and persons within the institituions, then there shall be none, whether there is a need for any or not. We are saying there is a need and that there shall be.

PRESIDENT CASSELL: I see. We do have a question of rehabilitation.

Let me ask another question of interpretation, one more comment.

"A rehabilitation program shall be developed and maintained for the transition of offenders to the community." Now, suppose you put a comma there. As I see it, no law can eliminate -- this is a requirement of the Constitution. The "as provided by law" simply indicates how, what is the implementing device, but law cannot controvene the Constitution and say there shall be no rehabilitation program. So my interpretation of that is it is simply a qualification to determine how the rehabilitation program shall come about, but that there shall be one.

Yes, Delegate Schrag, then Kameny.

MR. SCHRAG: Mr. President, I rise to support Talmadge Moore's amendment. This is a precise parallel to what we have already done in 8.3, where we said "The State shall

provide treatment, care in his or her capacity, education, training for persons suffering from mental illness, physical disability or retardation, as provided by law."

Now, this would simply use the exact parallel instructions, that this shall be developed and maintained for the transition of offenders to the community, this rehabilitation program, "as provided by law." I can see no objection to Talmadge Moore's amendment and it strikes me as a healthy parallelism to what we have already done.

PRESIDENT CASSELL: Delegate Kameny, Simmons.

MR. KAMENY: I merely want to suggest that it probably could be done less clumsily by dropping the word "develop" and inserting "be provided by law". "A rehabilitation program shall be provided by law and maintained for the transition of offenders to the community."

MS. CORN: No.

PRESIDENT CASSELL: I think you have perfected the grammar there.

Delegate Simmons.

MS. SIMMONS: I was going to talk about a change. I thought that that program ought not to be "a" program, but we ought to be talking about programs.

PRESIDENT CASSELL: I'm sorry. Say that again.

Everybody, please. Can you give Delegate Simmons your attention?

MS. SIMMONS: On line 12, where it says "A rehabilitation program", I think we are speaking about institutions, so we are talking about rehabilitation programs, not "a" program.

The question that I wanted to raise was on 10, because the State has the power to provide something, it does not mean that they will. I wonder if we want to delete the words "have the power to" so that we are very sure --

PRESIDENT CASSELL: Delegate Simmons, let us deal--

MS. SIMMONS: "The State shall provide..." This is my question. So if the committee wants to, I would be glad to write it down if they want to make it an amendment. Otherwise, if they buy the concept, it can be done in terms of stylistic --

PRESIDENT CASSELL: May we first dispose of Talmadge Moore's amendment? I think that's an appropriate amendment.

MS. PARAMORE: Mr. President, the committee will accept Delegate Kameny's suggestion.

PRESIDENT CASSELL: Let's get rid of Talmadge Moore's motion first. There is no amendment to that on the floor, is there?

Okay. Those in favor of the Talmadge Moore amendment, which is to provide after the word "community" on line 14 "as provided by law", indicate by saying aye.

(Chorus of ayes.)

Opposed? (Chorus of nays.)

Abstain? The "ayes" have it. Any question?

A DELEGATE: Division.

PRESIDENT CASSELL: Those who support Talmadge Moore's amendment raise your hands, please. (Show of hands.)

MS. CORN: Oulahan, get your hand up.

A DELEATE: Point of order --

MS. FEELY: You didn't holler at Phil when he told Charlie to put his hand up.

PRESIDENT CASSELL: Please, please.

A DELEGATE: This is ridiculous.

MS. FEELY: Who cares? It's the same thing. It's a matter of principle.

PRESIDENT CASSELL: Those in favor, again. (Show of hands.)

MR. COOPER: Sixteen.

PRESIDENT CASSELL: Those opposed? (Show of hands.)

MR. COOPER: Eleven.

PRESIDENT CASSELL: Abstain? The motion carries and

that article is so amended.

All right. Delegate Simmons, did you wish to make that amendment at this point?

MS. SIMMONS: I need a response from the committee. I just want to be sure that these programs and institutions shall be maintained. I am not interested in the "power to do" if people are disposed to do it. I want to demand that this exist.

PRESIDENT CASSELL: Delegate Paramore.

MS. PARAMORE: Yes, the committee accepts the rehabilitation programs.

PRESIDENT CASSELL: All right. I guess at this point we had better make that amendment then.

The committee accepts the change, and that change would be "The State shall provide..." In other words, we leave out the words "have the power to". Is that correct?

Okay. Delegate Jackson.

MR. JACKSON: Just briefly, I can understand the intent of this. However, it does bother me, because when it comes to providing day care or other services, you don't want to say the State shall provide. But when it comes to all these prisoners, we want the State to provide it. The State must take care of you if you're in jail, but the State doesn't have

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to provide day care or maternity and so on, or education.

DELEGATES: That's right.

MR. JACKSON: So for that reason, I am opposed to it, Delegate Simmons.

PRESIDENT CASSELL: I think the point is well taken, except that it doesn't reflect on this. I think, Mr. Jackson, what you are indicating is that we should have taken a consistent position on a past one, and I don't think we want to oppose this one on that basis.

MR. JACKSON: I do want to oppose this one.

PRESIDENT CASSELL: Okay, thank you.

Delegate Moore?

MR. B. MOORE: Yes, I would like to oppose this change, and I concur to the word with Mr. Jackson's comments.

PRESIDENT CASSELL: All right. A couple more. Delegate Mason, and then Simmons.

MR. MASON: I am just trying to find out -- I believe Delegate Simmons suggested changing rehabilitation programs to plural, and was not there some further language in the next few words -- Was that actually accepted and adopted, or did she still make that motion?

DELEGATES: It was accepted.

MR. MASON: Then still I would like to know exactly

what words to insert.

PRESIDENT CASSELL: What is your question again?

MR. MASON: My question is, I want the language which I understand the committee accepted from Delegate Simmons, which changed rehabilitation program to programs, plural, and I believe changed a few more words, but I'm not quite sure.

PRESIDENT CASSELL: Was it necessary to change additional words, Delegate Simmons? I recall we did change program to programs.

Okay. There were no other changes. In other words, we just changed program to programs.

Delegate Simmons.

MS. SIMMONS: What I would like to ask is that Delegate Jackson, when it is appropriate, I would like to support, either move or to second, that I feel equally as adament that the State should provide for day care and all those other things, and at the direction of a similar motion, I believe that the styling and drafting committee could be instructed it would be --

PRESIDENT CASSELL: That would really be a change in substance. Let us deal with it here. Let us say there has been a proposal for us to reconsider and that the body

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may very well be --

(Simultaneous delegates speaking.)

PRESIDENT CASSELL: Okay. The motion on the floor is to eliminate on line 10, these words, "have the power tc". Those in favor of that motion, indicate by saying aye. (Chorus of ayes.) Those opposed? (Chorus of nays.) Those abstaining?

A DELEGATE: Division.

PRESIDENT CASSELL: The motion carries.

MR. B. MOORE: Division.

PRESIDENT CASSELL: Division of the house. Those in favor of the motion to eliminate "have the power to" indicate by raising your hands.

(Show of hands.)

MS. CORN: Just on line 10?

PRESIDENT CASSELL: Just in line 10.

Let me read it again. In line 10, delete the words "have the power to", so that it says "The State shall provide for the maintenance and support of..." et cetera, et cetera.

Those in favor, raise your hands. (Show of hands.)

MR. COOPER: Sixteen.

PRESIDENT CASSELL: Those opposed? (Show of hands.)

MR. COOPER: Eleven.

PRESIDENT CASSELL: Those abstaining? The motion